

ADAMS, J.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EDWARD KIMMIE,)	CASE NO. 1:06CV1302
)	
Plaintiff,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	<u>MEMORANDUM OF OPINION</u>
REGINALD WILKERSON, et al.,)	<u>AND ORDER</u>
)	
Defendants.)	

In this action, Plaintiffs allege prisoner civil rights violations 42 U.S.C. § 1983. This matter is presently before the Court upon the Report and Recommendation (Doc. 74) of a magistrate judge of this Court.

The Court referred the above-entitled action to Magistrate Judge George J. Limbert pursuant to 28 U.S.C. § 636 and Local Rules 72.1 and 72.2(a) for general pretrial supervision and for a report and recommendation for any dispositive motions. The Magistrate recommended that this Court *sua sponte* dismiss the action without prejudice for failure to perfect service of process.

The Court has reviewed *de novo* the Report and Recommendation, filed on June 22, 2007. The Court has considered Plaintiffs' Objections (Doc. 77). The Court finds that the Report and Recommendation is well-supported and that Plaintiffs' Objections are without merit. The Court agrees with the conclusion of the Magistrate Judge that this Court should *sua sponte* dismiss this action without prejudice for failure to perfect service of process. The Court adopts the findings of fact and conclusions of law of the Magistrate Judge as its own. Therefore,

the Report and Recommendation is hereby ADOPTED and Plaintiffs' Objections are
OVERRULED. Accordingly,

The above titled action is hereby dismissed without prejudice for failure to perfect
service of process.

IT IS SO ORDERED.

January 31, 2008
Date

s/ John R. Adams
John R. Adams
U.S. District Judge